

**FEE RECEIVED**  
FEB 07 2011  
SURFACE  
TRANSPORTATION BOARD

BEFORE THE  
SURFACE TRANSPORTATION BOARD



STB Docket No. AB 400 Sub S

SEMINOLE GULF RAILWAY, L.P.—ADVERSE ABANDONMENT—  
IN SARASOTA COUNTY, FL

228773

PETITION OF PALMER RANCH HOLDINGS, LTD.; PALMER RANCH HOLDINGS, INC.;  
WYNNSTAY HUNT, INC.; AND CHESHIRE HUNT, INC. FOR EXEMPTION FROM  
CERTAIN STATUTORY REQUIREMENTS AND WAIVER OF RELATED BOARD  
REGULATIONS IN CONNECTION WITH APPLICATION FOR ADVERSE  
ABANDONMENT

Palmer Ranch Holdings, Ltd.; Palmer Ranch Holdings, Inc.; Wynnstay Hunt, Inc.; and  
Cheshire Hunt, Inc. (collectively “Petitioners”) intend to file an application for adverse  
abandonment of track located on the Venice Branch of the Seminole Gulf Railway, L.P.  
 (“SGLR”). The subject line extends from approximately MP SW 892.00 to approximately MP  
SW 891.40, a total length of 3,181 feet. (the “Subject Line”). The Subject Line begins 2,465  
feet south of Sawyer Loop Road and ends 716 feet north of Sawyer Loop Road. The  
southernmost point of the Subject Line, at MP SW 892.00, is the northern limit of the Seminole  
Gulf Railway, L.P.'s line authorized for interim trail use or abandonment in Seminole Gulf Ry.,  
L.P.—Notice of Interim Trail Use or Abandonment—In Sarasota County, FL, STB Docket No.  
AB-400 (Sub-No. 3X) (served April 2, 2004).

Petitioners submit this petition under 49 C.F.R. § 1152.25(e)(5), for exemption from  
certain statutory provisions and waiver of related Board regulations in order to facilitate the  
filing of the adverse abandonment application. The exemptions and waivers sought by  
Petitioners are similar to those which the Board has customarily granted relating to adverse  
abandonment applications. See, e.g., Denver & Rio Grande Ry. Historical Found.—Adverse

SURFACE  
TRANSPORTATION BOARD

FEB 07 2011

Abandonment—In Mineral County, CO., STB Docket No. AB-1014 (Served Oct. 18, 2007); Norfolk Southern Ry. Co.—Adverse Abandonment—St. Joseph County, IN., STB Docket No. AB-290 (Sub-No. 286) (served Oct. 26, 2006); East St. Louis Junction R.R. Co.—Adverse Abandonment—In St. Clair County, IL, STB Docket No. AB-838 (served June 30, 2003); Napa Valley Wine Train, Inc.—Adverse Abandonment—In Napa Valley, CA, STB Docket No. AB-582 (served Mar. 30, 2001).

## **I. Background**

In 1910, Adrian Honore granted the Seaboard Air Line Railway an easement for the operation of a railroad across a corridor from Sarasota to Venice, Florida. This railroad right-of-way was used for, among other purposes, the operation of trains used by the Ringling Brothers Circus. SGLR (and CSX) are the successors and assigns of the Seaboard Air Line Railway.

On December 15, 2003, SGLR filed with the STB a petition under 49 U.S.C. § 10502 for exemption from the provisions of 49 U.S.C. § 10903 to abandon an approximately 12.43-mile portion of its Venice Branch between milepost SW 892 outside the city limits of the City of Sarasota, and milepost 904.4 near the City of Venice—immediately to the south of the Subject Line. See Seminole Gulf Ry., L.P.—Abandonment Exemption—In Sarasota County, FL, STB Docket No. AB-400 (Sub-No. 3X). According to SGLR, no railroad traffic had moved over that railroad corridor since March 2002.

On April 2, 2004, the STB granted authority to abandon this railroad line and issued a NITU for that abandoned railroad corridor. Seminole Gulf Ry., L.P.—Abandonment Exemption—In Sarasota County, FL, STB Docket No. AB-400 (Sub-No. 3X) (served April 2, 2004). SGLR and CSX granted The Trust for Public Land an option to acquire the rail line for conversion to a public recreational trail. The Trust for Public Land agreed to work with Sarasota County to convert the rail line into a public-access recreational trail. On January 13, 2005, a quit

claim deed from CSX to the The Trust for Public Land was recorded in the Sarasota County Recorder of Deeds Office. This quit claim deed was apparently entered into pursuant to a trail use agreement entered into in December 2004. A portion of the corridor was subsequently converted to the Legacy Trail, a public recreational corridor for bicycling, skateboarding, and running. Tracks, ties, and other railroad equipment have been removed. The roadbed was removed and vegetation was trimmed back several feet from either edge of the new trail. Railroad bridges and trestles have been removed and replaced by narrow footbridges for pedestrian use.

The entire Venice Branch, including the Subject Line, has been out of service for many years. All freight service ceased by 2002. There are no known shippers or persons who utilize rail freight service on the Subject Line. The Subject Line has since deteriorated, and box cars have been left derelict on the line for a number of years and are now a nuisance. The track, which still remains on the Subject Line, has deteriorated and is in disrepair. Petitioners will produce evidence that the derelict box cars are believed to attract crime to the surrounding community and are used by vagrants and the homeless. The deteriorated condition of Subject Line exposes SGLR to unnecessary liabilities.

Abandonment is proper when a primary concern is avoiding costs associated with rehabilitating the line's dangerous and/or dilapidated condition. See The New York, Susquehanna and Western Railway Corporation—Abandonment Exemption—Portion of the Edgewater Branch in Bergen County, NJ, 7 I.C.C. 2d 1045, Docket No. AB-286 (Sub-No 2X) (Dec. 13, 1991). In this instance, abandonment will relieve SGLR of the expenses associated with maintaining the Subject Line and also liability for personal injury and/or property damage that may occur on the unused Subject Line.

Abandonment of the Subject Line will also facilitate better administration of SGLR's assets, including the materials that compose the unused Subject Line. The economic loss experienced by a railroad by foregoing a more profitable, alternative use of assets bears directly on an abandonment application. See CSX Transp., Inc. v. Surface Transp. Bd., 96 F. 2d 1528, 1529 n.2 (D.C. Cir. 1996). Such opportunity costs are real and must be a factor used when determining whether the public convenience and necessity permits abandonment. See Abandonment of Railroad Lines-Uses of Opportunity Costs, 360 I.C.C. 571, 577, Ex Parte No. 274 (Sub-No. 3) (Dec. 26, 1979). Further, because there are no shippers on the Subject line and the character of the surrounding community has become residential, not industrial or agricultural, there is no foreseeable prospect that shippers will be located on the Subject Corridor or that there will be any future need for railroad service on the Subject Line.

For the foregoing reasons, Petitioners intend to file an application for adverse abandonment to remove Board jurisdiction from the Subject Line in order that SGLR's rights-of-way may be extinguished and SGLR and CSX will have no further cost or liability for the Subject Line.

## **II. Requested Exemptions and Waivers**

### **A. Notice of Intent**

#### **1. Test of Notice of Intent**

Petitioners seek a limited waiver to allow certain deviations from the required text for the Notice of Intent set out in 49 C.F.R § 1152.21. These waivers simply reflect the application is by a third person and not the carrier; and that, because the application is one for adverse abandonment, the requirements relating to offers of financial assistance (49 U.S.C. § 10904), public use conditions (49 U.S.C. § 10905), and feeder line (49 U.S.C. 10907) do not apply. In addition, the environmental reporting has been modified to reflect that the Section of

Environmental Analysis prepared an Environmental Assessment, which included the Subject Line, in STB Docket No. AB-400 (Sub-no. 3X). A draft of the proposed Notice of Intent showing the proposed deviations is attached as Attachment A.

## **2. Service of Notice of Intent**

Petitioners seek waiver from the requirement to serve its Notice of Intent on the entities listed in 49 C.F.R. § 1152.20(a)(2)(i), (ix), (x) and (xii). Petitioners seek waiver of the requirement in 49 U.S.C. § 10903(a)(3)(D) and 49 C.F.R. § 1152.20(a)(2)(i) to serve the Notice on significant users of the track, because the Venice Branch has been out of service for many years and there are no known shippers or users of rail service on the Subject Line.

Petitioners seek waiver of the requirement in 49 C.F.R. § 1152.20(a)(2)(x) to serve the Notice on Amtrak, because passenger service on the Subject Line ended in the 1950s, and there is no prospect for possible service over this 3,181-foot long segment.

Petitioners seek waiver of the requirement in 49 C.F.R. § 1152.20(a)(2)(xii) to serve the Notice on labor organizations, because there are no known employees who have worked on this track in more than two years.

Petitioners are not aware that Seminole Gulf has any employees who would be affected by abandonment of the Subject Line. Petitioners, therefore, also seek waiver of service of the Notice on the U.S. Railroad Retirement Board.

## **3. Posting of Notice of Intent**

Petitioners seek exemption from the requirements of 49 U.S.C. § 10903(a)(3)(B) and waiver of 49 C.F.R. § 1152.20(a)(3), which require posting of the Notice at each agency station and terminal located on the line or, if there is not one, then at the nearest agency station through which business for the involved line is received or forwarded. This requirement only has relevance in the context of a railroad that is filing to abandon one of its lines. These

requirements are not applicable to a third person seeking adverse abandonment. See, e.g., Denver & Rio Grande Ry. Historical Found.—Adverse Abandonment—In Mineral County, CO, STB Docket No. AB-1014 (served Oct. 18, 2007). Petitioners also note that, since the Venice Branch has been out of service for many years, there are no terminals or agency stations on the Subject Line at which to post a notice.

## **B. Adverse Abandonment Application**

### **1. System Diagram Map**

Petitioners seek an exemption from the requirements of 49 U.S.C. § 10903(c) and waiver of the related regulation in 49 C.F.R. § 1152.22(a)(5), relating to identification of the track that is subject of the application on the carrier's system diagram map. Since Petitioners are not a carrier, they do not have such a map, and this requirement and regulation are inapplicable. See, e.g., Denver & Rio Grande Ry. Historical Found.—Adverse Abandonment—In Mineral County, CO, STB Docket No. AB-1014 (served Oct. 18, 2007). That said, the identification of the Subject Line is easily located on the system carriers' diagram map by simply extending the previous line subject to the carriers' prior abandonment petition 3,181 feet north. See Seminole Gulf Ry., L.P.—Petition for Exemption—In Sarasota County, FL, STB Docket No. AB-400 (Sub-No. 3X) (served Dec. 15, 2003).

### **2. Condition of Properties**

Petitioners seek waiver of the regulation in 49 C.F.R. § 1152.22(b) requiring detailed information on the physical condition of the line, including the costs of deferred maintenance and costs to rehabilitate the line. Petitioners do not have this kind of detailed information. Petitioners anticipate submitting photographs of the Subject Line, which show its neglected physical condition. Those photographs show the track is unusable, has not been maintained, and abandoned. Box cars have been left derelict on the line for more than two years and now present

a nuisance to the land owners, as well as, present the potential for significant liability to the railroad.

### **3. Revenue and Cost Data**

Petitioners seek waiver of the regulation in 49 C.F.R. § 1152.22(d) requiring revenue and cost data. Petitioners do not possess this information, and no such data may exist as there are no known shippers on the Line.

### **4. Environmental and Historic Reporting Requirements**

Petitioners seek waiver from the environmental and historic reporting requirements in 49 C.F.R. §§ 1105.7, -.8, 1152.20(c), and 1152.22(f). The track has been out of service for several years. The Board's Section of Environmental Analysis already prepared an environmental assessment covering the Subject Line in STB Docket AB-400 (Sub-no. 3X). The Section found that abandonment of the Venice Branch would not have any adverse environmental impact. See Seminole Gulf Ry., L.P.—Environmental Review—In Sarasota County, FL, STB Docket No. AB-400 (Sub-No. 3X) (served Feb. 13, 2004).

There are also no known structures, historical or otherwise, on the Subject Line.

### **5. Abandonment Consummation Notice and One Year Authorization**

Petitioners seek waiver from the requirements in 49 C.F.R. § 1152.24(f) and 49 C.F.R. 1152.29(e)(2), because they presuppose control over consummation once the Board's decision is issue. That is not the case in a third-party abandonment, because the applicant must usually invoke state law to obtain control of the property. See, e.g., Napa Valley Wine Train—Adverse Abandonment—In Napa Valley, CA, STB Docket No. AB-582 (served Mar. 30, 2001).

## **6. Offer of Financial Assistance, Public Use and Feeder Line**

Petitioners ask for exemption from the requirements of 49 U.S.C. §§ 10904, 10905 and 10907 and waiver of related regulations relating to offers of financial assistance, public use, and feeder lines.

The Board routinely grants requests for exemption from 49 U.S.C. § 10904 and waiver of related regulations in 49 C.F.R. § 1152.27 in adverse abandonments, because the OFA process is inconsistent with the Board's finding that the public convenience and necessity permit removal of Board jurisdiction from the track in question. Absent an exemption, the OFA process could allow someone to invoke agency processes that the Board has determined are unnecessary. If the Board ultimately finds that the public convenience and necessity require or permit withdrawal of its regulatory authority in this adverse abandonment proceeding, it would be fundamentally inconsistent to provide for further Board regulation under section 10904, and thereby negate the Board's decision. Norfolk Southern Ry. Co.—Adverse Abandonment—St. Joseph County, IN, STB Docket No. AB-290 (Sub-No. 286), at 12-13 (served Oct. 26, 2006).

Similarly, the Board has found that exemption from the public use procedures in 49 U.S.C. § 10905 and waiver of related regulations in 49 C.F.R. § 1152.28 should be granted for the same reason as the exemption from the OFA procedures. Imposition of a public use condition would be inconsistent with the Board's withdrawal of authority from the track in question. Norfolk Southern Ry. Co.—Adverse Abandonment—St. Joseph County, IN, STB Docket No. AB-290 (Sub-No. 286), at 4 (served Oct. 26, 2006). See also East St. Louis Junction R.R. Co.—Adverse Abandonment—in St. Clair County, IL, STB Docket No. AB-838 (served June 30, 2003) (addressing 49 U.S.C. § 10904).

To the extent it is applicable, Petitioners similarly seek exemption from the provisions of 49 U.S.C. § 10907 and related Board regulations.



## **7. Federal Register Notice**

Petitioners seek a limited waiver from the requirements of 49 C.F.R. § 1152.22(i) for the form of the Federal Register notice to better reflect the status of the proceeding as one for adverse abandonment. Many of the revisions reflect that the offer of financial assistance, federal line, and public use procedures will not apply if Petitioners' application is granted. The Board has suggested that an applicant submit a draft Federal Register Notice showing the proposed changes from the standard form. See, e.g., East St. Louis Junction R.R. Co.—Adverse Abandonment—In St. Clair County, IL, STB Docket No. AB-838, at 7 n.12 (served June 30, 2003). A proposed form of the Federal Register Notice is attached as Attachment B.

### **C. Filing Fees**

Petitioners seek waiver of all filing fees associated with the instant petition for waiver and forthcoming abandonment application. The waiver of such fees is appropriate upon a showing that it is "in the best interest of the public, or that payment of the fee would impose undue hardship on the requestor." 49 C.F.R. §1002.2(e)(ii). Here, it is in the best interest of the public to facilitate the abandonment of the Subject Line, which is no less than a public nuisance, attracts crime, and poses the threat of significant liabilities because of its dilapidated condition.

Moreover, the Independent Offices Appropriations Act requires that an agency fee be fair, reasonably related to the value of the service received by the recipient, and not exceed either the value of the service received by the recipient or the agency's cost of providing the services. See 31 U.S.C. §9701; Central & Southern Motor Freight Tariff Ass'n v. United States, 777 F. 2d 722, 729 (D.C. Cir. 1985). See also Nat'l Cable Television Ass'n v. United States, 415 U.S. 336, 340-341 (1974) (holding that taxation is a purely legislative function, and statutes authorizing agencies to assess fees should not be read so it "carries an agency far from its customary orbit and puts it in search of revenue in the manner of an Appropriations Committee of the House.")

The fees here should be reduced or waived because they exceed the cost that the STB will incur when processing the instant petition and adverse abandonment application. Furthermore, the fee schedule, which is geared toward railroad applicants, is not reasonably related to the benefits that will be conferred upon citizen applicants such as Petitioners. Thus, a waiver or reduction of the fees is appropriate.

### **III. Conclusion**

Petitioners request that the Board exempt it from the statutory provisions and waive related regulations described in this Petition.

Dated: February 3, 2011

Respectfully submitted,

  
**ARENTFOX LLP**

Mark F. ("Thor") Hearn, II  
Meghan S. Largent  
Lindsay S.C. Brinton  
112 South Hanley Road, Suite 200  
Clayton, Missouri 63105  
Phone: (314) 721-0219  
Fax: (202) 357-6395  
thornet@ix.netcom.com  
brinton.lindsay@arentfox.com  
largent.meghan@arentfox.com

1050 Connecticut Avenue, NW  
Washington, DC 20036-5339  
Phone: (202) 857-6000

Counsel for Palmer Ranch Holdings, Ltd.;  
Palmer Ranch Holdings, Inc.; Wynnstay Hunt,  
Inc.; Cheshire Hunt, Inc.

ATTACHMENT A  
PROPOSED NOTICE OF INTENT

BEFORE THE  
SURFACE TRANSPORTATION BOARD

\_\_\_\_\_  
STB Docket No. \_\_\_\_\_

SEMINOLE GULF RAILWAY, L.P.—ADVERSE ABANDONMENT—  
IN SARASOTA COUNTY, FL  
\_\_\_\_\_

NOTICE OF INTENT TO FILE APPLICATION FOR ADVERSE ABANDONMENT  
OF  
PALMER RANCH HOLDINGS, LTD.; PALMER RANCH HOLDINGS, INC.; WYNNSTAY  
HUNT, INC.; AND CHESHIRE HUNT, INC.

Palmer Ranch Holdings, Ltd.; Palmer Ranch Holdings, Inc.; Wynnstay Hunt, Inc.; and Cheshire Hunt, Inc. (collectively "Applicants") give notice that on or about \_\_\_\_\_ it intends to file with the Surface Transportation Board, Washington, D.C. 20423, an application for permission for adverse abandonment of a line known as the Venice Branch of the Seminole Gulf Railway L.P. The Subject Line extends from approximately MP SW 892.00 to approximately MP SW 891.40, a total length of 3,181 feet. The Subject Line begins 2,465 feet south of Sawyer Loop Road and ends 716 feet north of Sawyer Loop Road. The southernmost point of the Subject Line, at MP SW 892.00, is the northern limit of the Seminole Gulf Railway, L.P.'s line authorized for interim trail use or abandonment in Seminole Gulf Ry., L.P.—Notice of Interim Trail Use or Abandonment—In Sarasota County, FL, STB Docket No. AB-400 (Sub-No. 3X) (served April 2, 2004). The Subject Line traverses through United States Postal Service ZIP Codes 34238, a distance less than one mile, in Sarasota County, Florida. It traverses no other U.S. Postal Zip Codes and the line includes no stations. The public record of the Board does not contain a system diagram map for Seminole Gulf, and therefore it is not possible for Applicants to determine whether this line of railroad appears on a system diagram map. Based on information in the possession of Applicants, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The reasons for the proposed abandonment are that the Subject Line is stub ended in the south at MP SW 892.00 by the Legacy Trail; and the Subject Line is in disrepair, subjecting the public to an ongoing nuisance and unsafe condition, as well as, subjecting the Railroad to potentially significant liability for injury incurred to the public. There are no shippers located on this 3,181 foot-long Subject Line. And, it is not anticipated that the subject line will be needed for railroad services in the foreseeable future.

The interests of affected railroad employees, if there are any employees on the Line, will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

The application will include the applicants' entire case for abandonment (case in chief). Any interested person, after the application is filed on \_\_\_\_\_ may file with the Surface Transportation Board written comments concerning the proposed abandonment (or discontinuance) or protests to it. These filings are due 45 days from the date of filing of the application. All interested persons should be aware that following any abandonment of rail service and salvage of the line, the line may be suitable for interim trail use. Any request for a trail use condition under 16 U.S.C. § 1247(d) (§ 1152.29 of the Board's rules) must also be filed within 45 days from the date of filing of the application.

If the application is granted, under Board precedent, the Board's jurisdiction will be removed and the track that is the subject of the application will not be subject to offers of financial assistance under 49 U.S.C. § 10904, public use conditions under 49 U.S.C. § 10905, or feeder line provisions under 49 U.S.C. § 10907.

Persons who may oppose the abandonment or discontinuance but who do not wish to participate fully in the process by appearing at any oral hearings or by submitting verified statements of witnesses, containing detailed evidence, should file comments. Persons interested only in seeking public use or trail use conditions should also file comments. Persons opposing the proposed abandonment that do wish to participate actively and fully in the process should file a protest.

Protests must contain that party's entire case in opposition (case in chief) including the following:

- (1) Protestant's name, address and business.
- (2) A statement describing protestant's interest in the proceeding including:
  - (i) A description of protestant's use of the line;
  - (ii) If protestant does not use the line, information concerning the group or public interest it represents; and
  - (iii) If protestant's interest is limited to the retention of service over a portion of the line, a description of the portion of the line subject to protestant's interest (with milepost designations if available) and evidence showing that the applicant can operate the portion of the line profitably, including an appropriate return on its investment for those operations.
- (3) Specific reasons why protestant opposes the application including information regarding protestant's reliance on the involved service [this information must be supported by affidavits of persons with personal knowledge of the fact(s)].
- (4) Any rebuttal of material submitted by applicant.

In addition, a commenting party or protestant may provide a statement of position and evidence regarding:

- (i) Environmental impact;
- (ii) Impact on rural and community development;
- (iii) Prospective use of the right-of-way for interim trail use and rail banking under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29.

Written comments and protests will be considered by the Board in determining what disposition to make of the application. The commenting party or protestant may participate in the proceeding as its interests may appear.

If an oral hearing is desired, the requester must make a request for an oral hearing and provide reasons why an oral hearing is necessary. Oral hearing requests must be filed with the Board no later than 10 days after the application is filed.

Those parties filing protests to the proposed abandonment should be prepared to participate actively either in an oral hearing or through the submission of their entire opposition case in the form of verified statements and arguments at the time they file a protest. Parties seeking information concerning the filing of protests should refer to 49 C.F.R. § 1152.25.

Written comments and protests, including all requests for public use and trail use conditions, should indicate the proceeding designation STB No. AB ----- (Sub-No. -----) and must be filed with the Secretary, Surface Transportation Board, Washington, DC 20423, no later than 45 days after the date the application is filed. Interested persons may file a written comment or protest with the Board to become a party to this abandonment proceeding. A copy of each written comment or protest shall be served upon the representative of the applicant: Mark F. (Thor) Hearne, II, Arent Fox LLP, 1050 Connecticut Avenue, NW, Washington, DC 20036-5339 [202-828-3447]. The original and 10 copies of all comments or protests shall be filed with the Board with a certificate of service. Except as otherwise set forth in part 1152, each document filed with the Board must be served on all parties to the abandonment proceeding. 49 CFR § 1104.12(a).

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Governmental and Public Affairs at (202) 245-0230 or refer to the full abandonment/discontinuance regulations at 49 CFR 1152, which can be viewed at [www.access.gpo.gov](http://www.access.gpo.gov). Questions concerning environmental issues may be directed to SEA at (202) 245-0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

After filing, the application can be viewed on the Board's webpage, [www.stb.dot.gov](http://www.stb.dot.gov), or a copy can be secured from Applicants' counsel, whose name and address appear below. The application will include Applicants' entire case for abandonment.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 33 days of the filing of the application. The deadline for submission of comments on the EA will generally be within 30 days of its service. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.

**ATTACHMENT B**  
**PROPOSED FEDERAL REGISTER NOTICE**

BEFORE THE  
SURFACE TRANSPORTATION BOARD

\_\_\_\_\_  
STB Docket No. \_\_\_\_\_

SEMINOLE GULF RAILWAY, L.P.—ADVERSE ABANDONMENT—  
IN SARASOTA COUNTY, FL  
\_\_\_\_\_

NOTICE OF APPLICATION OF PALMER RANCH HOLDINGS, LTD.; PALMER RANCH  
HOLDINGS, INC.; WYNNSTAY HUNT, INC.; AND CHESHIRE HUNT, INC.  
FOR ADVERSE ABANDONMENT

On \_\_\_\_\_, Palmer Ranch Holdings, Ltd.; Palmer Ranch Holdings, Inc.; Wynnstay Hunt, Inc.; and Cheshire Hunt, Inc. (collectively, the "Applicants") filed with the Surface Transportation Board, Washington, D.C. 20423, an application for adverse abandonment of a line of railroad known as the Venice Branch of the Seminole Gulf Railway L.P. The Subject Line extends from approximately MP SW 892.00 to approximately MP SW 891.40, a total length of 3,181 feet, extending from 716 feet north of Sawyer Loop to 2,465 feet south of Sawyer Loop, in Sarasota County, FL. The track in question traverses through United States Postal Service ZIP Code 34238. There are no stations on this track. The line does not contain federally granted rights-of-way.

In a decision served in this proceeding on \_\_\_\_\_, Applicants were granted exemptions from several statutory provisions as well as waivers of certain Board regulations in 49 CFR 1152 that were not relevant to its adverse abandonment application or that sought information not available to it. Specifically, Applicants were granted the following waivers and exemptions: \_\_\_\_\_.

Any documentation in the Applicants' possession will be made available promptly to those requesting it. The Applicants' entire case for adverse abandonment was filed with the application.

The interests of affected railroad employees, if there are any employees on the Line, will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

Any interested person may file with the Surface Transportation Board written comments concerning the proposed abandonment (or discontinuance) or protests (including the protestant's entire opposition case), within 45 days after the application is filed. Because this is an adverse abandonment proceeding, OFAs and public use requests are not appropriate and will not be entertained.



The Board has not yet had occasion to decide whether the issuance of a certificate of interim trail use in an adverse abandonment would be consistent with the grant of such an application. Accordingly, any request for a trail use condition under 16 U.S.C. 1247(d) (49 CFR 1152.29) must be filed within 45 days after the application is filed, and should address that issue. Each trail use request must be accompanied by the filing fee specified in 49 CFR 1002.2(f)(27).

Persons who may oppose the abandonment but who do not wish to participate fully in the process by appearing at any oral hearings or by submitting verified statements of witnesses, containing detailed evidence should file comments. Persons interested only in seeking public use or trail use conditions should also file comments. Persons opposing the proposed abandonment or discontinuance that do wish to participate actively and fully in the process should file a protest. Parties seeking information concerning the filing of protests should refer to 49 CFR 1152.25.

All filings in response to this notice must refer to STB Docket No. AB ----- (Sub-No. ----) and should be filed with the Secretary, Surface Transportation Board (Board), Washington, DC 20423, no later than 45 days after the application is filed. Filings may be submitted either via the Board's e-filing format or in the traditional format. Any person using e-filing should comply with the Board's instructions found on the Board's <http://www.stb.dot.gov> website, at the "E-FILING" link. Any person submitting a filing in the traditional format should send the original and 10 copies of the filing to the Board with a certificate of service. Except as otherwise set forth in 49 CFR part 1152, every document filed with the Board must be served on all parties to this adverse abandonment proceeding. 49 CFR 1104.12(a).

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 33 days of the filing of the application. The deadline for submission of comments on the EA will generally be within 30 days of its service. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Governmental and Public Affairs at (202) 245-0230 or refer to the full abandonment/discontinuance regulations at 49 CFR 1152. Questions concerning environmental issues may be directed to SEA at (202) 245-0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.